

**CALENDAR ITEM
C30**

A 29

10/16/15

W 26867

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G. Asimakopoulos

GENERAL LEASE – OTHER

APPLICANT:

Iceplant, LLC, a California Limited Liability Company

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Pacific Ocean, adjacent to 3054 Pleasure Point Drive, near the city of Santa Cruz, Santa Cruz County.

AUTHORIZED USE:

The repair, reconstruction, use, and maintenance of an existing private residential seawall, and the construction, use, and maintenance of a public access trail and stairs to improve beach access and public safety.

LEASE TERM:

10 years, beginning October 16, 2015.

CONSIDERATION:

Private residential seawall: \$2,697 per year, with an annual Consumer Price Index adjustment.

Public Access Trail and Stairs: the public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicant owns the two upland parcels adjoining the lease premises.
2. The proposed project is for the repair and reconstruction of a private residential seawall, and the construction of a public access stairway and improvements to protect an existing 50-year old residential structure located at 3054 Pleasure Point Drive, near the city of Santa Cruz. The

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project is designed to facilitate reconstruction of the failing shoreline protective structure, and facilitate public beach access with the addition of a public walkway and stairs to the beach landward of a coastal recreation and surfing environment adjacent to Pleasure Point Park along East Cliff Drive.

3. The project site is a coastal bluff approximately 32 feet high consisting of 19 to 22 feet of erodable terrace deposits atop siltstone bedrock. The existing site is completely armored with concrete and gunite protection covering almost all the bedrock and bluff deposits to prevent further undermining of the existing bluff-top residential improvements. The date of the initial armoring is unknown, but occurred before 1972, with substantial improvements and maintenance following severe winter storms in 1982, 1983, and 1995. Currently, informal access by surfers occurs across the existing deteriorated and damaged protective structure.
4. Adjacent to and down coast of the existing seawall structure are two parcels that were previously owned by the County of Santa Cruz (County), consisting of a portion of beach and a small raised concrete platform running along the base of the bluff approximately 10 feet above the bedrock. This location is a popular spot for viewing the ocean and surf. However, the transition area between the platform and the Applicant's property and seawall is dangerously narrow and often wet, slippery, and covered in algae. The project is designed to improve public access and public safety through the construction of a trail with railing and curb, and a public beach access stairway descending across the Applicant's property and seawall to the beach below.
5. On May 26, 2015, the County transferred the two upland parcels, Assessor's Parcel Numbers 032-242-15 and 032-251-01 (portion), to the Applicant for the purpose of facilitating the construction of the project. The Grant Deed reserved a perpetual, non-exclusive easement for the purpose of public shoreline access. As the construction on these parcels is to facilitate public access, staff recommends that the consideration be the public use and benefit.
6. On December 15, 2014, the County, acting as the lead agency under the provisions of the California Environmental Quality Act (CEQA), determined that the Project, as described above, was categorically exempt from CEQA pursuant to California Code of Regulations, Title 14, section 15301, subdivision (d), under Class 1, Existing Facilities. Staff concurs with the County's determination.

CALENDAR ITEM NO. **C30** (CONT'D)

7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVAL OBTAINED:

County of Santa Cruz

FURTHER APPROVALS REQUIRED:

California Coastal Commission, U.S. Army Corps of Engineers, and the National Oceanic and Atmospheric Administration

EXHIBITS:

- A. Land Description
- A-1 Land Description – Temporary Construction Area
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Concur with the County's determination that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, under Class 1, Existing Facilities; California Code of Regulations, Title 14, section 15301, subdivision (d).

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Other to Iceplant, LLC, a California Limited Liability Company, beginning October 16, 2015, for a term of 10 years, for the repair, reconstruction, use, and maintenance of an existing private residential seawall, and the construction, use, and maintenance of a public access trail and stairs, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent for the private residential seawall in the amount of \$2,697, with an annual Consumer Price Index

CALENDAR ITEM NO. **C30** (CONT'D)

adjustment; consideration for the public access trail and stairs to be the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the Lessor's best interests; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

W 26867

LAND DESCRIPTION

A parcel of tide and submerged land situate in the Bay of Monterey, County of Santa Cruz, State of California, lying adjacent to Rancho Arroyo Del Rodeo as shown on that GLO Plat approved February 11, 1860 and more particularly described as follows:

A parcel of land bounded on northeast by the easterly prolongation of the northerly most line shown as L2 on the Exhibit Map of that certain parcel described in that Grant Deed recorded May 26, 2015 as Document Number 2015-0020114 of Official Records of the County of Santa Cruz; bounded on the southwest by the southeasterly line prolongation of the southwesterly most line shown as L41 on said Exhibit Map; bounded on the northwest by the Ordinary High Water Mark of the Bay of Monterey; bounded on the southeast by a line running parallel to and 15 feet perpendicular of said Ordinary High Water Mark.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the Bay of Monterey.

END OF DESCRIPTION

PREPARED 7/22/15 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



EXHIBIT A-1 (TEMPORARY CONSTRUCTION AREA)

W 26867

LAND DESCRIPTION

A parcel of tide and submerged land situate in the Bay of Monterey, County of Santa Cruz, State of California, lying adjacent to Rancho Arroyo Del Rodeo as shown on that GLO Plat approved February 11, 1860 and more particularly described as follows:

A parcel of land bounded on northeast by the easterly prolongation of the northerly most line shown as L2 on the Exhibit Map of that certain parcel described in that Grant Deed recorded May 26, 2015 as Document Number 2015-0020114 of Official Records of the County of Santa Cruz; bounded on the southwest by the southeasterly line prolongation of the southwesterly most line shown as L41 on said Exhibit Map; bounded on the northwest by the Ordinary High Water Mark of the Bay of Monterey; bounded on the southeast by a line running parallel to and 30 feet perpendicular of said Ordinary High Water Mark.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the Bay of Monterey.

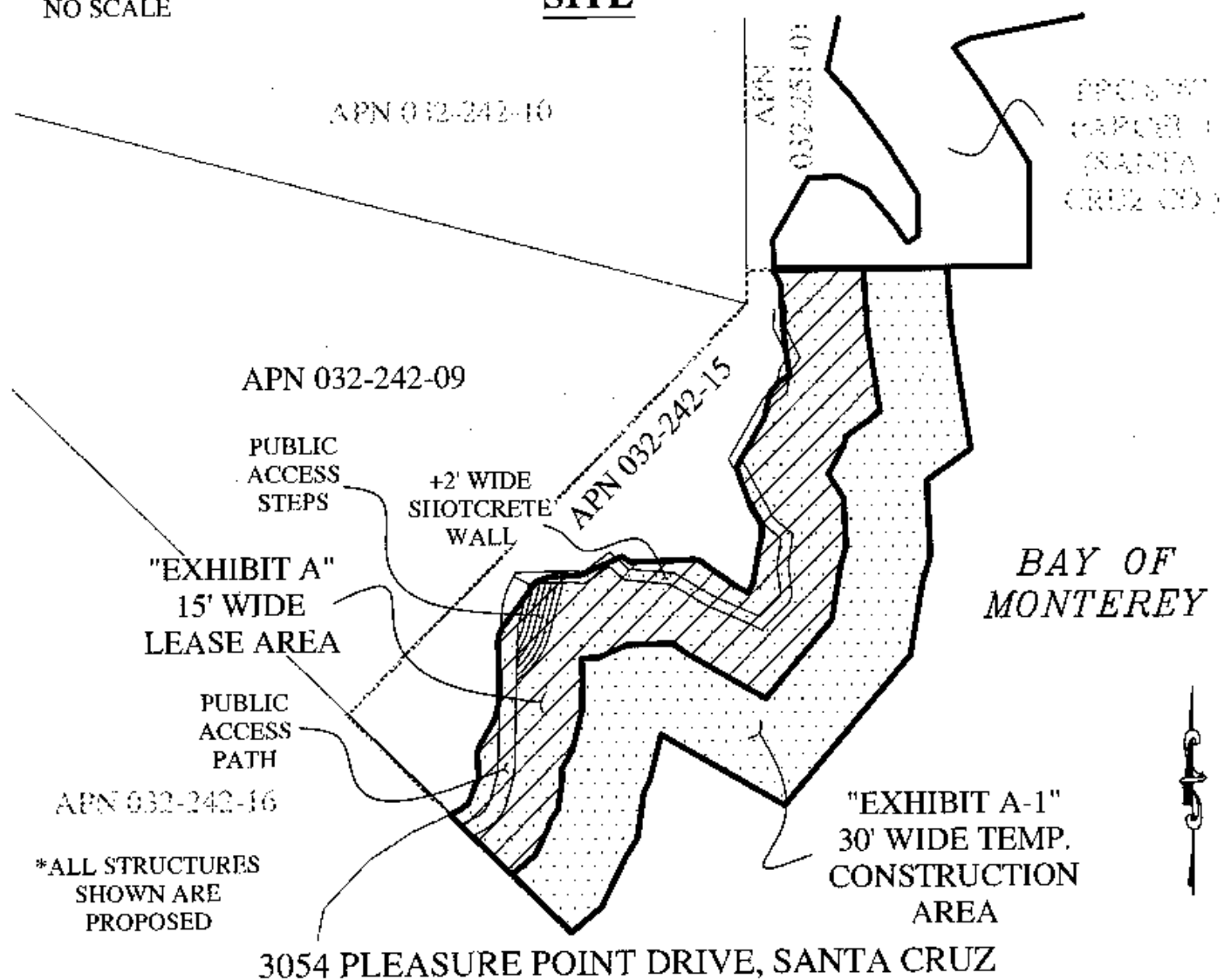
END OF DESCRIPTION

PREPARED 7/22/15 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



NO SCALE

SITE



NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

W 26867
ICEPLANT LLC
APN 032-242-09, 15
GENERAL LEASE -
OTHER
SANTA CRUZ COUNTY



MIT 9/17/15